

FILED
CLERK'S OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-10233-RCL

JONATHAN BEJAR,

Plaintiff,

v.

STANLEY FASTENING SYSTEMS,
L.P.

Defendant.

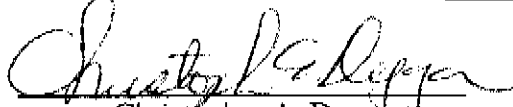
AFFIDAVIT OF CHRISTOPHER A. DUGGAN

I, Christopher A. Duggan, hereby depose and state as follows:

1. This affidavit is made of my personal knowledge.
2. I am an attorney with the law firm of Smith & Duggan LLP, Two Center Plaza, Boston, Massachusetts 02108-1906, admitted to practice law before the courts of the Commonwealth and in good standing (BBO No. 544150). I am also a member of the bar of the United States District Court, for the District of Massachusetts.
3. I am a counsel of record for Stanley Fastening Systems, L.P. ("Stanley"), a party to this matter.
4. I submit this affidavit in support of the Joint Motion to Preserve Nailer and to Permit Inspection and Non-Destructive Testing.
5. On January 29, 2004, I spoke via telephone with Vincent N. Cragin, Esq., who I understand upon information and belief is counsel for Care Free Homes, Inc. and/or Wayne Edwards. During this conversation, I requested that the nailer that is alleged to have caused injuries to plaintiff Jonathan Bejar on February 1, 2001, which I understand is currently in the possession of Care Free Homes, Inc. and/or Wayne Edwards, be made available for examination at the owners' convenience.

6. During this telephone conversation, Mr. Cragin refused to state whether or not the nailer still existed or whether either of his clients had the nailer. He suggested that Stanley obtain a court order to obtain the nailer, assuming it can be identified.
7. On January 30, 2004, I wrote a letter to Mr. Cragin, on behalf of Stanley, and offered to purchase the nailer at a fair price. A true and accurate copy of this correspondence is attached to this Affidavit at Exhibit 1.
8. To date, Mr. Cragin has not responded to my letter.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS 2ND
DAY OF MARCH, 2004.


Christopher A. Duggan